

House Study Bill 755

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the rights of peace officers and public safety
2 and emergency personnel.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6508HC 81
5 jm/sh/8

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1 1 Section 1. NEW SECTION. 80F.1 PEACE OFFICER, PUBLIC
1 2 SAFETY, AND EMERGENCY PERSONNEL BILL OF RIGHTS.
1 3 1. As used in this section, unless the context otherwise
1 4 requires:
1 5 a. "Complaint" means a formal written complaint signed by
1 6 the complainant or an oral statement by the officer receiving
1 7 the complaint stating the complainant's knowledge of the
1 8 allegation.
1 9 b. "Formal administrative investigation" means an
1 10 investigative process ordered by a commanding officer of an
1 11 agency or commander's designee during which the questioning of
1 12 an officer is intended to gather evidence to determine the
1 13 merit of a complaint which may be the basis for seeking
1 14 removal, discharge, or suspension, or other disciplinary
1 15 action against the officer.
1 16 c. "Informal inquiry" means a meeting by supervisory or
1 17 command personnel with an officer who is the subject of an
1 18 allegation, for the purpose of resolving the allegation or
1 19 determining whether a formal administrative investigation
1 20 should be commenced.
1 21 d. "Interview" means the questioning of an officer who is
1 22 the subject of a complaint pursuant to the formal
1 23 administrative investigation procedures of the investigating
1 24 agency, if such a complaint may be the basis for seeking
1 25 removal, discharge, or suspension, or other disciplinary
1 26 action against the officer. "Interview" does not include
1 27 questioning as part of any informal inquiry or questioning
1 28 related to minor infractions of agency rules which will not
1 29 result in removal, discharge, suspension, or other
1 30 disciplinary action against the officer.
1 31 e. "Officer" means a certified law enforcement officer,
1 32 fire fighter, emergency medical technician, corrections
1 33 officer, detention officer, jailer, communications officer, or
1 34 any other law enforcement officer certified by the Iowa law
1 35 enforcement academy and employed by a municipality, county, or
2 1 state agency.
2 2 f. "Statement" means the statement of the officer who is
2 3 the subject of an allegation in response to a complaint.
2 4 2. This section is not applicable to a criminal
2 5 investigation of an officer.
2 6 3. A formal administrative investigation of an officer
2 7 shall be commenced and completed in a reasonable period of
2 8 time and an officer shall be immediately notified of the
2 9 results of the investigation when the investigation is
2 10 completed.
2 11 4. An officer shall not be compelled to submit to a
2 12 polygraph examination against the will of the officer except
2 13 as otherwise provided in section 730.4, subsection 3.
2 14 5. Prior to an interview, the officer who is the subject
2 15 of the complaint shall be given a copy of the complaint. An
2 16 officer being interviewed shall be advised by the interviewer
2 17 that the officer shall answer the questions and be advised
2 18 that the answers shall not be used against the officer in any

2 19 subsequent criminal proceeding. The interview may be
2 20 electronically recorded upon request of the officer being
2 21 interviewed. If legal counsel or a union representative is
2 22 not present with the officer during an interview, the
2 23 interview shall be electronically recorded.
2 24 6. The officer shall have the right to have legal counsel
2 25 or a union representative present during the interview of the
2 26 officer, at the expense of that officer.
2 27 7. If a formal administrative investigation results in the
2 28 removal, discharge, or suspension, or other disciplinary
2 29 action against an officer, copies of any witness statements
2 30 and the investigative agency's report shall be provided to the
2 31 officer, upon the request of the officer.
2 32 8. An interview shall be conducted at any facility of the
2 33 investigating agency.
2 34 9. If an interview is conducted while an officer is off
2 35 duty, the officer shall be compensated as provided in the
3 1 applicable collective bargaining agreement.
3 2 10. If a complaint is determined to be intentionally
3 3 false, the investigating officer shall be responsible for
3 4 filing the necessary paperwork with the county attorney's
3 5 office in order for the county attorney to make a
3 6 determination as to whether to charge the person with making a
3 7 false report in violation of section 718.6.
3 8 11. An officer shall have the right to bring a civil suit
3 9 against any person, agency, organization, business, or any
3 10 other legal entity for damages, including pecuniary damages,
3 11 arising out of the filing of a false complaint against the
3 12 officer.
3 13 12. Notwithstanding any other law to the contrary, an
3 14 officer shall not be denied the opportunity to be a candidate
3 15 for any elected office. An officer may be required, as a
3 16 condition of being a candidate, to take a leave of absence
3 17 during the campaign. If the officer is a candidate for county
3 18 sheriff, the officer shall take a leave of absence beginning
3 19 thirty days prior to the election.
3 20 13. An officer shall have the right, as any other citizen,
3 21 to engage in political activity except while on duty. An
3 22 officer shall not be required to engage in political activity
3 23 by the officer's agency, a representative of the officer's
3 24 agency, or any other agency.
3 25 14. An officer shall not be discharged, disciplined, or
3 26 threatened with discharge or discipline in retaliation for
3 27 exercising the rights of the officer enumerated in this
3 28 section.
3 29 15. The rights enumerated in this section are in addition
3 30 to any other rights granted pursuant to a collective
3 31 bargaining agreement or other applicable law.
3 32 16. An officer shall not have the officer's photograph
3 33 released publicly without the written permission of the
3 34 officer.
3 35 17. If the commanding officer or head of any formal
4 1 administrative investigation violates the provisions of this
4 2 section while conducting an investigation, the governing body
4 3 shall reserve any punitive action taken pursuant to the
4 4 investigation, including a reprimand, and any information
4 5 obtained during the investigation shall be specifically
4 6 excluded from introduction into evidence or from being used in
4 7 any way against the officer in any administrative proceeding
4 8 against the officer.

4 9 EXPLANATION

4 10 This bill relates to the rights of a peace officer and of
4 11 public safety and emergency personnel.
4 12 The bill defines "officer" to mean a certified law
4 13 enforcement officer, fire fighter, emergency medical
4 14 technician, corrections officer, detention officer, jailer,
4 15 communications officer, or any other law enforcement officer
4 16 certified by the Iowa law enforcement academy and employed by
4 17 a municipality, county, or state agency.
4 18 The bill provides that an officer shall not be compelled to
4 19 submit to a polygraph examination against the will of that
4 20 officer.
4 21 The bill provides that prior to being interviewed about a
4 22 complaint against the officer, the officer shall be provided a
4 23 copy of the complaint. The bill also provides that an officer
4 24 being interviewed about a complaint filed against the officer
4 25 shall be compelled to answer any questions and shall be
4 26 advised that any answers provided will not be used against the
4 27 officer in any criminal proceeding.
4 28 The bill provides that an officer shall have the right to
4 29 have legal counsel or a union representative present when the

4 30 officer is being interviewed about a complaint filed against
4 31 the officer.

4 32 Under the bill, if an interview of an officer about a
4 33 complaint occurs while the officer is off duty, the officer
4 34 shall be compensated as provided in any applicable collective
4 35 bargaining agreement.

5 1 The bill provides that if a complaint filed against an
5 2 officer is determined to be false, the investigating officer
5 3 shall be responsible for forwarding the necessary paperwork to
5 4 the county attorney in order for the county attorney to
5 5 determine whether criminal charges should be filed.

5 6 The bill provides that an officer has the right to run for
5 7 political office, and shall have the right to engage in
5 8 political activity if not on duty. The bill also provides
5 9 that an officer shall not be required to engage in political
5 10 activity by the officer's agency or a representative of the
5 11 officer's agency.

5 12 LSB 6508HC 81

5 13 jm:nh/sh/8